

REMARKS

Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

The status of the claims is as follows:

Claims 1-7: Pending;

Claims 1-7: Rejected; and

Claim 3 indicated as containing allowable subject matter.

The examiner is thanked for the indication that claim 3 has allowable subject matter. From the office action, it also appears that claim 2 also contains allowable subject matter as claim 2 has not been rejected based on prior art. An early indication of allowability is requested.

The examiner has rejected all claims based upon a provisional double patenting rejection based upon commonly owned serial numbers 10/573,237 and 10/597,834. In order to advance prosecution of the present application, a Terminal Disclaimer is being filed along with the present response. For this reason, the provisional double patenting rejections have been obviated and should be withdrawn.

The examiner has rejected claims 1-7 under 35 U.S.C. §112, second paragraph for failing to point out the invention. This rejection is based upon the lack of antecedent basis for a term in claim 1. This rejection, as it applies to amended claims, has been obviated by the above amendments and should be withdrawn.

Claim 1 has been amended to replace the phrase "a second short-range wireless communications means" with "a second short-range wireless communications interface." There is now antecedent basis for the phrase "said second communications interface." Therefore, this rejection should be withdrawn.

The examiner has rejected claims 1 and 3-7 under 35 U.S.C. §103(a) as unpatentable over U. S. Patent Publication No. 2002/174077, Yui et al. (hereafter "Yui") in view of EP1281588, Gundlach (hereafter "Gundlach"). This rejection is traversed.

The examiner has indicated that Yui discloses all features of the invention as claimed except for the short-range wireless communications link. There is no disclosure in Yui of at least one storage facility. On the contrary, the disclosure of Yui makes it clear that such a

central storage facility is not needed in the invention of Yui because one of the advantages of the system of Yui is that the prospective renter can find a vehicle nearby. From the disclosure of Yui it is clear that the vehicles are disabled and parked in a variety of locations and these locations are then transmitted to the central database. This is one of the features or advantages of the system described in Yui. Because of this disclosure, a person of ordinary skill would not consider modifying the satellite or other long range communication system of Yui with a short range system as claimed. The system of the present invention does not require that there be constant communication with the system but only that there be communication by the vehicle with the system at one or more storage facilities.

The Gundlach disclosure also fails to remedy the deficiencies of the Yui disclosure relative to the present invention. While there is a short range communication between a mobile telephone or other user device, the central unit is reached by the mobile telephone via a long range network such as GSM or other public mobile telephone network. Gundlach like Yui is concerned with the rental of vehicles that may be conveniently in multiple random locations. Rather than bolster the examiner's position, the Gundlach disclosure actually supports the non-obvious nature of the present invention. The use of one or more storage locations in combination with the use of a short-range wireless communication interface for managing the rental of the vehicles in the storage facility is nowhere disclosed or suggested by the combination of Yui and Gundlach and a person of ordinary skill would not combine these documents to arrive at the present invention in the means as suggested by the examiner. Therefore this rejection is unwarranted and should be withdrawn.

Because all claims are in condition for allowance, an early indication of the same is requested.

If there are any issues remaining that can be resolved by telephone, the examiner is invited to call the undersigned.

Appl. No. 10/583,073
Amd. A - dated May 22, 2008
Responsive to OA Dated January 25, 2008


Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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Date: May 22, 2008